

Remarks/Arguments ---- General

Remarks below are numbered to refer to the comments in the Detailed Action of the Second Office Action:

In discussion of the nature of what is disclosed in the following patents, please keep in mind that this Application provides the definition and function of full disclosure in paragraph 0007 of the specification. Such disclosure requires the display of a rendering of all machine readable data such that a human may read, by use of the naked and unaided eye or hand, and fully reproduce, on a device such as a standard QWERTY keyboard, all of the machine readable data.

2. The Office Action rejects Claims 21 through 31 as being unpatentable under 35 USC 103(a) over JP 03165654 A (Ota) in view of Clapper, US 2002/0080941 A1. Applicant respectfully traverses the rejection of Claim 21 under sections 102 and 103. The remaining claims have been canceled.

Ota provides that messages disposed upon or within a substrate comprise commands to direct a communication device to transmit a message upon same substrate to another party. Dialing information is stored on the card storage medium. However, Ota does not teach that the machine readable dialing information on the substrate, which directs the communication device to function, is fully disclosed in human readable text.

Clapper shows an apparatus comprising a substrate bearing machine readable data and human readable data; and a method whereby certain features of a calling phone are disabled and a programmed destination phone is dialed.

Clapper Does Not Fully Disclose Machine Readable Data Indicated in His Fig. 5

Clapper teaches that a fixed message "may be printed on the face of the card" or that "some or all of the predefined messages may be printed on the card." (Clapper, para. 36, lines 2 and 7). However, no suggestion is made by Clapper that other items in Fig. 5 (message card 100) to be printed or otherwise disclosed in human readable data. Those

other items comprise the message card serial number, the destination specifier, the encoded PIN, and the monetary value.

The portion of machine readable data, or memory (Clapper, para. 34, line 3) denominated as the “destination specifier” and the “message card serial number”, which execute the functions on the calling and destination telephones are **not** disclosed in human readable data. Therefore, the data that executes the function of Clapper’s apparatus does not comprise machine readable data that is fully disclosed in human readable data.

To make full disclosure of machine readable data would defeat the security functions for which Clapper’s substrate has an encoded PIN. While a disclosure of a plurality of messages and associated destinations may be taught by Ota in light of Clapper, neither teaches the desirability of disclosure of further data encoded in said substrate and Clapper teaches away from same for security purposes.

The combination of Ota’s card with Clapper’s card is submitted to be improper because neither Ota nor Clapper suggest such a combination, and one skilled in the art would have no reason to make such a combination, for the above reasons. It is well known that in order for any prior art references themselves to be combined for use in a prior art Sec. 103 rejection, the references themselves (or some other prior art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983):

“[P]rior art references in combination do not make an invention obvious unless something in the prior art references suggest the advantage to be derived from combining their teachings.”

This Office Action Does Not Address Disclosure of Data other Than Messages and Destination Identifiers

This Office Action holds that the combination of Clapper and Ota is obvious “so that a user can conveniently select from a plurality of messages and associated destinations using a single card medium.” However, this Application defines full disclosure to

include not only messages and associated destinations but **all** machine readable data. Therefore, this Office Action has not addressed the disclosure of data other than messages and destinations, even though Clapper provides such data in his Fig. 5, and thus the Office Action **does not argue** that full disclosure of that other data is obvious to an artisan of ordinary skill, in light of Clapper and Ota

Therefore, applicant submits that claim 21 is allowable over the cited references and solicits reconsideration and allowance.

3. The Office Action rejects Claims 22 through 31 as being unpatentable under 35 USC 103(a) over JP 03165654 A (Ota) in view of Clapper, US 2002/0080941 A1, and further in view of Taskett, US 5,923,734. Since claims 22 – 31 have been canceled no response is needed to section 3.

4. Applicant's arguments in response to the First Office Action should be reconsidered by the Examiner as the Second Office Action does not address a key inventive element of this Application, which is full disclosure of **all** machine readable data in addition to predefined messages and destination identifiers.

5. Conclusion

For all the reasons given above, Applicant respectfully submits that:

- Claim 21 defines over prior art under Sec. 102 as the apparatus claimed at least bears upon it a full disclosure, in human readable data, of **all** machine readable data therein or thereupon, not solely disclosure of messages and destination identifiers, and that said machine readable data specifies destination for said data as well as serving to execute transmission of said data;
- And the claimed distinctions are of patentable merit under Sec. 103 because of the unexpected results provided, said results comprising the simple step of entering upon

a telecommunication device machine readable data that alone suffices to transmit at least a portion of said data to a destination specified in the machine readable data in the apparatus, with that simple step acting as a new and unobvious method of transmitting a message to a recipient, and allowing multiple persons to make as easy use of said apparatus as the person to whom it was assigned, since contrary to all current trends the full disclosure of machine readable data on the invention as manufactured would function to remove any encryption or disguise of said data.

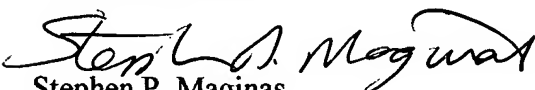
Accordingly, Applicant submits this application is now in full condition for allowance, which action Applicant respectfully solicits.

Conditional Request for Constructive Assistance

If the Examiner agrees but does not feel that the present claims are technically adequate, Applicant respectfully requests that the Examiner write acceptable claims pursuant to MPEP 707.07(j). If the Examiner does not agree that this application is in full condition for allowance, Applicant respectfully solicits any suggestions from the Examiner which will place this Application in condition for acceptance.

Finally, this Applicant respectfully requests that, if the Examiner believes that Applicant did not clearly address the reasons for the rejections in the First Office Action, a telephone interview be arranged so that failure to address any issues can be resolved. Applicant respectfully requests that the Examiner contact the Applicant at the below telephone numbers in the event Examiner believes such an interview would help further allowance of this application.

Very respectfully,



Stephen P. Maginas
3404 25th Street
Rock Island, IL 61201
309-794-6570
Cell: 309-235-9616